

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL MONTGOMERY,

Plaintiff,

vs.

WAL-MART STORES, INC.;
KINDERHOOK INDUSTRIES II,
L.P.; KINDERHOOK INDUSTRIES,
L.L.C.; KINDERHOOK CAPITAL
FUND II, L.P.; CRESTWOOD
HOLDINGS, INC.; BERGAN, L.L.C.;
JOHN ELMBURG; ROBERT
ELMBURG; ERIC ELMBURG;
ROCKY FLICK; HOME DEPOT
U.S.A., INC.; DOES 1 through 20,
inclusive,

Defendants.

CASE NO. 12CV3057 JLS (DHB)

**ORDER (1) RESETTING MOTION
HEARINGS; AND (2) SETTING
BRIEFING SCHEDULES**

(ECF Nos. 29, 31, 40, 41, 42)

Presently before the Court are Defendant Robert Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)) (ECF No. 29); and Defendant Rocky Flick's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)). (ECF No. 31). A hearing on the motions is currently set for April 2, 2013. The Court **HEREBY RESETS** the hearing for Thursday, April 11, 2013, at 1:30 p.m.

Also before the Court are Defendant Bergan, LLC's Motion to Dismiss for Lack

1 of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike
2 (12(F)) (ECF No. 40); Defendant Crestwood Holdings, Inc.'s Motion to Dismiss for
3 Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State
4 a Claim (12(B)(6)) and Motion to Strike (12(F)) (ECF No. 41); and Defendants John
5 Elmburg and Eric Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction
6 (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and
7 Motion to Strike (12(F)) (ECF No. 42). A hearing on the motions is currently set for
8 April 11, 2013. The Court **HEREBY SETS** the following briefing deadlines for all five
9 motions before the Court: Plaintiff Michael Montgomery **SHALL FILE** an opposition
10 on, or before, March 28, 2013. Defendants **SHALL FILE** a reply, if they wish, on or
11 before, April 4, 2013.

12 **IT IS SO ORDERED.**

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14 DATED: March 20, 2013

15 
16 Honorable Janis L. Sammartino
17 United States District Judge

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